**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CIVIL APPLICATION No. 7193 of 1996**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE AKIL KURESHI**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**SHIVLAKHA VASRAVA SEVA SAHKARIMANDLI - Petitioner(s)**
**Versus**
**STATE OF GUJARAT & 2 - Respondent(s)**

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**Appearance :**
MR CB DASTOOR for Petitioner(s) : 1,
MS TRUSHA PATEL, AGP for Respondent(s) : 1 - 3.

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**CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI**

**Date : 14/09/2007**

**ORAL JUDGMENT**

The petitioner has challenged an order dated 28th July 1994 passed by the District Supply Officer, Bhuj, by which the licence of the petitioner to run a

fair price shop came to be cancelled and certain stock of wheat came to be ordered to be confiscated.

2. On 26th February 1993, a police party during patrolling found 100 bags of wheat being transported without proper authorization. Upon finding that the part of the stock belonged to the petitioner and that he ought to have utilized the same for the consumer through his fair price shop, the authorities issued a show cause notice on 10.12.93. The petitioner replied to the same and also made submissions before the authorities. However, the District Supply Officer found the petitioner guilty of the charges levelled against him. He, therefore, by the impugned order cancelled the authorization of the petitioner to run a fair price shop and also ordered confiscation of 60 bags of wheat. The above order came to be confirmed by the higher authorities concurring with the findings of the District Supply Officer. These are the orders which the petitioner has challenged in the present petiton.

3. When the matter was called out twice, no one was present for the petitioner. I, however, heard Ms.Trusha Patel appearing for the State Authorities.

4. It appears that the three authorities have concurrently come to the conclusion that the petitioner had committed serious breach which came to be detected when the police party intercepted a truck carrying consignment of wheat assigned to the

shop of the petitioner which ought to have been sold through his fair price shop. The defence of the petitioner that due to unseasonal rain, he did not lift the goods and gave the chalan and pass book to the godown keeper and on the next day he was told that the goods had already been dispatched, do not appear convincing. In any case, these are purely factual aspects and when three authorities have concurrently found the same not acceptable, there is nothing on record permitting this Court to overturn such factual conclusion.

5. In the result, the petition fails and is hereby dismissed. Rule is discharged with no order as to costs.

(Akil Kureshi, J.)

(vjn)